AMENDMENT OF RULES 12-(1) AND CLASS II OF THE ORDER REGARDING THE CONDUCT OF COUNCIL BUSINESS 20TH AUGUST 1906.

INDIAN INSTITUTE OF SCIENCE.

Year 1908 File No. 229. Gen. misc.

G.R.S. 11] 190 ৪. - ৭

GENERAL AND REVENUE SECRETARIAT.

(Gen. Mi)

NOTES.

G. M. File No. 229 of 08-9

FILE HEADING.

Rules for the Conduct of business in the Council of His Highness the Maharaja of Mysore.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

GPB -30,000- 20-3-06.

D.O. from No: 1194 & 11.1.09

D.O. letter No. 11.1.09 / 13 VIII

No. 139.

THE RESIDENT MYSORE

BANGALORE.

9th January 1909.

My dear Dewan,

I am desired to acknowledge the receipt of your D/O letter No.1498 dated 5th January 1909 regarding a Bill for the amendment of the Mysore Land Revenue Code by the addition of a new section after section 210 and, in reply, to state, for the information of the Durbar, that the Government of India have no objection to the proposed legislation.

2. I am to suggest that action under the proposed Section 210 A might perhaps be added to the list of scheduled cases and that the necessary provisions to this end be made in the Rules of Council Business.

Yours sincerely,

Dewan is evidently under misapprehension

11/1/09

V. P. Madhava Rao, Esq., C.I.E.,

Dewan of Mysore.

S.I.

I submit for approval draft of a reply to the Resident with reference to para 2 of the above D.O.

As the draft rules already put up re: amendment of Rule 62 (1) of the Central Rules

GPB—50,000—13-5-08

Serial No.

has not been formally approved by His Highness, I take this opportunity to solicit orders as to its issue also

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12-1-09.

GPB—50,000—13·5·08

No: 1533/1

Bangalore,
14th January 1909.

Dear Mr. Fraser,

In para 2 of Mr. Moore's D.O.No.139 dated the 9th January 1909, it is suggested that action under the new section 210 A of the Mysore Land Revenue Code may be added to the list of Schedule cases and the necessary provisions to this end made in the Rules of Council Business.

What is meant I believe is that the cases withdrawn from the Revenue Commissioner should be disposed of as Schedule cases. But I would point out that under the Rules of Business the appeals which lie to Government under section 210 of the Land Revenue Code, viz., appeals on points of law or usage having the force of law, are not treated as Schedule cases but are heard and decided by the two members of Council. Please see Rule II 12(1) of the Rules of Business (copy enclosed). There does not therefore seem to be any reason why ordinary appeals withdrawn from the Revenue Commissioner should be treated as Schedule cases requiring to go before the Dewan and the members of Council and to be then submitted for the orders of His Highness the Maharaja. These may also be heard and disposed of by the two members of the Council. The necessary amendment to Rule 12(1) referred to above will be made by inserting the words "as also appeals withdrawn from the Revenue Commissioner under section 210 A" between the words "thereof" and "shall" occurring in the last line of the rule.

Yours sincerely
(Sd) V. P. Madhava Rao

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Submitted to His Highness.

I submit for approval the accompanying draft of a Notification in regard to the disposal by Government of the appeals withdrawn from the Revenue Commissioner under the new section 210 A of the Land Revenue Code.

I also submit for information a D.O. letter from the Residency on the subject, together with a copy of my reply.

16/1/1909

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft of a Notification in regard to the disposal by Government of the appeals withdrawn from the Revenue Commissioner under the new section 210A of the Land Revenue Code.

Order.

Approved

KRW

16/1/09

G. R. S. 12]
General and Revenue
Secretariat.

G. M File No. 229 of 1908-9

Serial No.

1 To the Comptroller, Mysore Gazette no. G 4196 & 20.1.09.

Notifn ~~Secn~~ that in rule 12(1) of the rules for the Conduct of business in the Council of His Highness issued with Govt Notifn no G 1458 & 20.8.06 there shall be inserted between the words "thereof" and "shall" the following words:- "and also appeals withdrawn from the Revenue Commissioner under section 210 A of the Land Revenue Code".

The notification has appeared in the issue of the Gazette dated 21.1.09.

22/8/09.

NOTE—Contn. sheet.

GPB—50.000—13-5-08

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No 4196.

S. 20.1.09.

N. Notf.

Gm 229-01.

His Highness the Maharaja is pleased to direct that in Rule 126(1) of the Rules ~~prescribed~~ in part II of N Notf. No 8. 1456 & the 20th Aug 1903, ~~the following lines~~ there shall be inserted between the words "thereof" and "shall" ~~namely~~ the following words, namely,

"and also appeals withdrawn from the Revenue Commr under Section 210 A."

For the endorsement of business in the Council of His Highness.

Gm-575
5.1.09

Translated
JCS
25/1/09.

Typed by Smt
26/1/09

To

The Compiler
Mysore Gazette
for publication in Pt-I of the
Gazette.

N O T I F I C A T I O N.

His Highness the Maharaja is pleased to direct that in Rule 12(1) of the Rules for the conduct of business in the Council of His Highness, prescribed in para II of Notification No.G.1456 dated the 20th August 1906, there shall be inserted between the words "thereof" and "shall" the following words, namely, "and also appeals withdrawn from the Revenue Commissioner under section 210 A".

Dewan of Mysore.

GENERAL.

NOTIFICATION.

No. G. 1456, dated the 20th August 1906.

The following Order of His Highness the Maharaja is published for general information :—

I. In supersession of Notification No. 36, dated the 8th August 1902, His Highness the Maharaja has been pleased to direct that the Council, therein styled the Consultative Council, shall be styled "The Council of His Highness the Maharaja" and that it shall consist as heretofore of the Dewan and two Members, whose duty it will be to advise His Highness in all important matters.

II. The following rules are prescribed for the conduct of business in the Council of His Highness the Maharaja :—

1. The work of the State will be distributed by Departments between the Dewan and the Councillors as shown in the appended statement, which will be liable to alteration at the discretion of His Highness the Maharaja.

2. Cases falling under the Schedule appended to this Notification shall be submitted by the Secretary in the first instance to the Dewan or Councillor in charge of the Department concerned, on whom will rest the initiative, entailing, where necessary, the preparation of a note for the consideration of the Council. They shall then be placed before the Council, and submitted, with the opinion of the Dewan and Councillors, for the orders of His Highness the Maharaja, by the Dewan.

3. Cases not falling under the Schedule shall ordinarily be dealt with by the Member in charge of the Department to which the case pertains. Similarly the Dewan will deal with non-scheduled cases pertaining to the Departments under his charge. But certain important classes of cases relating to the Departments under the charge of a Member (to be specified in confidential Secretariat instructions prepared under the orders of His Highness the Maharaja) shall be dealt with by the Dewan in his capacity as the Chief Executive Officer of the State. Such cases the Secretary, after noting or drafting, shall forward to the Dewan for disposal through the Councillor or Councillors in charge of the Department or Departments concerned, who will note his or their suggestions as to the orders which should issue.

Provided as follows:—

(i) When the matter dealt with by a Councillor is one involving doubt, delicacy or importance, the paper shall, before the issue of final orders, be referred to the Dewan.

(ii) The Dewan may also, in any particular case, direct that the papers be submitted to him before the issue of final orders.

(iii) The Dewan may also call for the records in any case in order to satisfy himself as to the correctness of orders issued under the directions of a Councillor.

(iv) An abstract of the cases disposed of by each Councillor and of the orders issued shall be submitted every week to the Dewan for information.

4. Should any material difference of opinion between the Dewan and the Councillor be established with respect to a case falling under rule 3, it will be in the discretion of the Dewan either to direct that the matter may be dealt with as though it were one falling within the Schedule, or to submit it direct for the orders of His Highness the Maharaja.

5. If, in any matter connected with a Department not immediately under his own charge, the Dewan considers that immediate action is necessary and that the delay involved in consulting the Councillor in charge of the Department is likely to be prejudicial, he may issue orders on his own authority. In all such cases, a copy of the Dewan's orders shall at once be supplied to the Member whose Department is concerned, and the proceedings shall be reported for the information of His Highness the Maharaja, with a statement of the reasons which necessitated recourse to the special powers conferred by this rule.

6. The Secretary in each Department shall work under the general or special directions of the Dewan and be responsible to him except in regard to cases falling under rule 3, as to which the Secretary shall take the orders of the Councillor concerned.

7. A Member shall have the power to call upon the Secretary to supply information regarding a case pending before such Member, or regarding the manner of, or delay in, disposal of any case which the Member has had before him.

8. The Dewan shall regulate the order of business in Council and preside at the meetings.

9. A Journal shall be kept in which the opinions of the Dewan and Members shall be recorded.

10. The Council shall meet regularly at stated intervals. His Highness the Maharaja or the Dewan may summon a meeting of the Council whenever His Highness or the Dewan may deem it necessary.

11. Whenever the Dewan and the Councillors, or any of them, are on tour, or whenever otherwise necessary, papers may be disposed of in circulation.

12. (1) Appeals which lie to Government under Section 210 of the Mysore Land Revenue Code, IV of 1888, from the decisions of the Revenue Commissioner, in cases falling under clauses (*a*) to (*g*) of Section 221 thereof, shall be heard and decided by two Members of Council.

also appeals from Revenue under Sec 210A,

(2) In the disposal of the matters aforesaid, the following rules shall be observed:—

(*a*) When there arises a difference of opinion between two Members of Council on any material question pending before them, such question shall be referred to the Dewan, and the decision of the Government shall follow the opinion with which the Dewan agrees;

(*b*) No order of a subordinate officer shall be modified or reversed without due notice of the hearing of the case to the party whose interest will thereby be affected;

(*c*) Any party appearing in person will be duly heard, provided that a woman or a minor may appear by her or his next friend or guardian.

V. P. MADHAVA RAO,
Dewan of Mysore.

Distribution of work by Departments between the Dewan and the Members of Council.

The Dewan shall take charge of:—

(1) Political.
(2) Financial.
(3) Geological Survey and Mining.
(4) Public Works and Railways.
(5) Military and Amrut Mahal.
(6) Land Revenue Department.

The First Councillor:—

(1) Forest.
(2) Excise.
(3) Education.
(4) Legislation.
(5) Judicial.
(6) Registration.
(7) Local and Municipal Funds.

The Second Councillor:—

(1) Muzrai.
(2) Police.
(3) Medical including Sanitary and Plague.
(4) Prisons.
(5) Pensions.
(6) Stamps.
(7) Statistics.
(8) Meteorology.
(9) Minor Departments (*viz.*, Press, Stationery, Stores, Museum and Archæology).

SCHEDULE

OF

Subjects which shall be placed before the Council and submitted with the opinion of the Dewan and Members for the Orders of His Highness the Maharaja.

(i) The imposition of new taxes and the abolition of existing taxes.

(ii) Measures of Legislation.

(iii) Annual Budget Estimates of Receipts and Expenditure in all Departments together with supplemental applications involving material increase or variations of sanctioned budget grants.

(iv) Annual Administration Reports of the several Departments.

(v) The appointment, removal, promotion, suspension and reduction in pay or rank, of officers in and above the grades specified below :—

(*a*) Assistant Commissioners,
Subordinate Judges,
Assistant Superintendents of Police,
Assistant and Sub-Assistant Surgeons,
Assistant and Sub-Assistant Forest Conservators,
Assistant and Sub-Assistant Engineers,
Assistant Examiner, D. P. W. Accounts,
Excise Assistants,
Assistant Geologists,
Assistant Comptroller,
Assistant Superintendents, Revenue Survey, and
Educational officers of C. Class II ;

(*b*) All Secretaries to Government ;

(*c*) Town Magistrates, Government Advocate and Public Prosecutors;

(*d*) Superintendents, Central Jail, Government Press, Stationery and Stores, Botanical Gardens and Museum and Stamps ;

(*e*) Vice-Presidents of the Mysore and Bangalore Municipalities ;

(*f*) Munsiffs, Amildars and Deputy Amildars.

(vi) Remission of Judicial Sentences.

(vii) Prosecution of Public Servants in cases requiring by law the previous sanction of Government.

(viii) Changes of system, or organization, or method of realising revenue in all Departments.

(ix) Questions relating to the organization of the Military Force.

(x) Any material revision of establishment in any Department.

(xi) All contracts other than those sanctioned under rule or the ordinary practice of any Department and financial arrangements entered into by the State which are beyond the competence of the Head of a Department to deal with.

(xii) Any other matters upon which His Highness the Maharaja may wish to have the views of the Council.

GBPM—15-6-08—100.